

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOY RAHAMAN,

Plaintiff,

v.

Case No. 20-11628

District Judge Judith E. Levy

Magistrate Judge R. Steven Whalen

AMERICAN CONNECT FAMILY
PROP AND CAS INS.,

Defendant.

_____ /

**ORDER DENYING RECONSIDERATION AND
STRIKING DUPLICATIVE MOTION**

Before the Court are Plaintiff's identical motions for reconsideration [ECF No. 16 and ECF No. 18] of the Court's order denying without prejudice Defendants' motion for more definite statement [ECF No. 13].

Motions for reconsideration are subject to E.D. Mich. L.R. 7.1(g) (3), which provides:

“(3) Grounds. Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.”

In this case, although Plaintiff prevailed on the Defendant's motion, she apparently objects to the order being "without prejudice" to the Defendant filing a motion to dismiss under Fed.R.Civ.P. 12(b)(6) or 12 (c) for failure to state a claim upon which relief can be granted. The gist of her argument is that there are no grounds upon which a motion to dismiss could be filed, since she has so clearly stated a claim.

This Court's order [ECF No. 13] merely rejected Defendant's argument that Plaintiff had not stated a *comprehensible* claim; it did not address the issue of whether the claims were facially sufficient under Rule 12(b). Plaintiff in effect asks this Court to preemptively deny a hypothetical motion to dismiss that has not been filed. If and when the Defendant does file a motion to dismiss, Plaintiff will have the opportunity to file a response. But in terms of her present motion, she has not "demonstrate[d] a palpable defect by which the court and the parties have been misled."

Accordingly, Plaintiff's motion for reconsideration [ECF No. 16] is DENIED.

Her second and identical motion for reconsideration, filed the same day, is STRICKEN AS DUPLICATIVE.

IT IS SO ORDERED.

Date: September 22, 2020

s/R. Steven Whalen

R. Steven Whalen

United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 22, 2020 electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager